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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,680	01/24/2000	Robert J. Monson	5360	7479
7590	10/22/2004		EXAMINER	
Carl L. Johnson Jacobson and Jacobson Suite 285 One West Water Street St. Paul, MN 55107-2080			ART UNIT	PAPER NUMBER

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/490,680

Applicant(s)

MONSON ET AL.

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 09 August 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. A single ground of rejection has been applied to two or more claims in this application, and
 - (a) the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. Other (including any explanation in support of the above items):

The applicant cited claim 8 stands alone on its own and then stated that claims 15 and 17 are grouped with claim 8 which is indefinite because the applicant choose claim 8 to be alone from all other claims. The applicant choose claim 11 to stand alone on its own and then cited claim 13 is grouped with claim 11 which is indefinite.

In the appeal brief, the applicant chose that claim 9-16 each also stand alone on their own and only provided argument for claims 10 and 16. Since the applicant choose claims 9-12, 14 and 16, each stand alone on its own, the applicant needs to provide argument for all of claims 9-12, 14 and 16. Since the applicant choose claims 8-17 to stand alone on its own, the applicant needs to explain how each claims are separately patentable from each other (see 37 CFR 1.192 (c) (8)).

Further, claims 11-14 have not been rejected and thus are not part of the appeal.


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